

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
ROBERT GORDON,

Plaintiff,

-against-

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK,
THE CARMELITE ORDER NORTH AMERICAN PROVINCE
OF ST. ELIAS, and ST. ALBERT'S PRIORY,

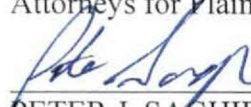
Defendants.
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TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
November 19, 2019

Yours etc.,
GAIR, GAIR, CONASON, RUBINOWITZ, BLOOM,
HERSHENHORN, STEIGMAN & MACKAUF
Attorneys for Plaintiff


PETER J. SAGHIR
80 Pine Street, 34th Floor
New York, New York 10005
(212) 943-1090

TO: See Attached Service Rider

Index No.: _____/19

Date Filed: _____/19

SUMMONS

Plaintiff designates New
York County as the place of
trial.

Basis of venue: Principal
office of defendant The
Roman Catholic Archdiocese
of New York.

SERVICE RIDER

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK
1011 1ST Avenue
New York, NY 10022

THE CARMELITE ORDER, NORTH AMERICAN PROVINCE OF ST. ELIAS
1 Carmelite Drive
Middletown, NY 10940

ST. ALBERT'S PRIORY
1 Carmelite Drive
Middletown, NY 10940

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK-----X
ROBERT GORDON,

Index No.: _____/19

Plaintiff,

-against-

VERIFIED COMPLAINTTHE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK,
THE CARMELITE ORDER NORTH AMERICAN PROVINCE
OF ST. ELIAS, and ST. ALBERT'S PRIORY,Defendants.
-----X

Plaintiff, complaining of the defendants, by and through his attorneys, GAIR,
GAIR, CONASON, RUBINOWITZ, BLOOM, HERSHENHORN, STEIGMAN & MACKAUF,
respectfully shows to this Court and alleges as follows:

1. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, was and still is a not for profit religious corporation duly organized and existing under and by virtue of the laws of the State of New York.

2. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, owned a school known as St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

3. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, its agents, servants and employees managed, maintained, operated and controlled the aforesaid school known as St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

4. Upon information and belief, that at all times herein mentioned, defendant, THE

ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, held itself out to the public as the owner of St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

5. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, held itself and its agents, servants and employees out to the public as those who managed, maintained, operated and controlled St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

6. Upon information and belief, that at all times herein mentioned, defendant, THE CARMELITE ORDER, NORTH AMERICAN PROVINCE OF ST. ELIAS, was and still is a not for profit religious corporation duly organized and existing under and by virtue of the laws of the State of New York.

7. Upon information and belief, that at all times herein mentioned, defendant, THE CARMELITE ORDER, NORTH AMERICAN PROVINCE OF ST. ELIAS, owned a school known as St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

8. Upon information and belief, that at all times herein mentioned, defendant, THE CARMELITE ORDER, NORTH AMERICAN PROVINCE OF ST. ELIAS, its agents, servants and employees managed, maintained, operated and controlled the aforesaid school known as St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

9. Upon information and belief, that at all times herein mentioned, defendant, THE CARMELITE ORDER, NORTH AMERICAN PROVINCE OF ST. ELIAS, held itself out to the public as the owner of St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

10. Upon information and belief, that at all times herein mentioned, defendant, THE CARMELITE ORDER, NORTH AMERICAN PROVINCE OF ST. ELIAS, held itself and its agents, servants and employees out to the public as those who managed, maintained, operated and controlled St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

11. Upon information and belief, that at all times herein mentioned, defendant, ST. ALBERT'S PRIORY, was and still is a not for profit religious corporation duly organized and existing under and by virtue of the laws of the State of New York.

12. Upon information and belief, that at all times herein mentioned, defendant, ST. ALBERT'S PRIORY, owned a school known as St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

13. Upon information and belief, that at all times herein mentioned, defendant, ST. ALBERT'S PRIORY, its agents, servants and employees managed, maintained, operated and controlled the aforesaid school known as St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

14. Upon information and belief, that at all times herein mentioned, defendant, ST. ALBERT'S PRIORY, held itself out to the public as the owner of St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

15. Upon information and belief, that at all times herein mentioned, defendant, ST. ALBERT'S PRIORY, held itself and its agents, servants and employees out to the public as those who managed, maintained, operated and controlled St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

16. Upon information and belief, that at all times herein mentioned, David Connell

was a Carmelite priest.

17. Upon information and belief, that at all times herein mentioned, David Connell was ordained by defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

18. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, installed David Connell as a teacher at St. Albert's Junior Seminary School.

19. Upon information and belief, that at all times herein mentioned, David Connell served as teacher at St. Albert's Junior Seminary School at the pleasure of defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

20. Upon information and belief, that at all times herein mentioned, David Connell was on the staff of defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

21. Upon information and belief, that at all times herein mentioned, David Connell was acting as an agent of defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

22. Upon information and belief, that at all times herein mentioned, David Connell was an employee of defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

23. Upon information and belief, that at all times herein mentioned, David Connell was acting in the course and scope of his employment with defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK.

24. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, hired David Connell.

25. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, retained David Connell.

26. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, supervised David Connell.

27. Upon information and belief, that at all times herein mentioned, David Connell was a teacher at St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

28. Upon information and belief, that at all times herein mentioned, David Connell resided in the student dorms on the premises of St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

29. Upon information and belief, that at all times herein mentioned, David Connell was a priest at St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

30. Upon information and belief, that at all times herein mentioned, David Connell was on the staff of defendant, THE CARMELITE ORDER, NORTH AMERICAN PROVINCE OF ST. ELIAS.

31. Upon information and belief, that at all times herein mentioned, David Connell was acting as an agent of defendant, THE CARMELITE ORDER, NORTH AMERICAN PROVINCE OF ST. ELIAS.

32. Upon information and belief, that at all times herein mentioned, David Connell was an employee of defendant, THE CARMELITE ORDER, NORTH AMERICAN PROVINCE OF ST. ELIAS.

33. Upon information and belief, that at all times herein mentioned, David Connell was acting in the course and scope of his employment with defendant, THE CARMELITE ORDER, NORTH AMERICAN PROVINCE OF ST. ELIAS.

34. Upon information and belief, that at all times herein mentioned, defendant, THE CARMELITE ORDER, NORTH AMERICAN PROVINCE OF ST. ELIAS, hired David Connell.

35. Upon information and belief, that at all times herein mentioned, defendant, THE CARMELITE ORDER, NORTH AMERICAN PROVINCE OF ST. ELIAS, retained David Connell.

36. Upon information and belief, that at all times herein mentioned, defendant, THE CARMELITE ORDER, NORTH AMERICAN PROVINCE OF ST. ELIAS, supervised David Connell.

37. Upon information and belief, that at all times herein mentioned, defendant, ST. ALBERT'S PRIORY, was a Carmelite monastery located at 1 Carmelite Drive, Middletown, New York 10940.

38. Upon information and belief, that at all times herein mentioned, David Connell was on the staff of defendant, ST. ALBERT'S PRIORY.

39. Upon information and belief, that at all times herein mentioned, David Connell was acting as an agent of defendant, ST. ALBERT'S PRIORY.

40. Upon information and belief, that at all times herein mentioned, David Connell was an employee of defendant, ST. ALBERT'S PRIORY.

41. Upon information and belief, that at all times herein mentioned, David Connell was acting in the course and scope of his employment with defendant, ST. ALBERT'S PRIORY.

42. Upon information and belief, that at all times herein mentioned, defendant, ST. ALBERT'S PRIORY, hired David Connell.

43. Upon information and belief, that at all times herein mentioned, defendant, ST.

ALBERT'S PRIORY, retained David Connell.

44. Upon information and belief, that at all times herein mentioned, defendant, ST. ALBERT'S PRIORY, supervised David Connell.

45. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, was responsible for the staffing and hiring at St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

46. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, did the hiring and staffing at St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

47. Upon information and belief, that at all times herein mentioned, defendant, THE CARMELITE ORDER, NORTH AMERICAN PROVINCE OF ST. ELIAS, was responsible for the staffing and hiring at St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

48. Upon information and belief, that at all times herein mentioned, defendant, THE CARMELITE ORDER, NORTH AMERICAN PROVINCE OF ST. ELIAS, did the hiring and staffing at St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

49. Upon information and belief, that at all times herein mentioned, defendant, ST. ALBERT'S PRIORY, was responsible for the staffing and hiring at St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

50. Upon information and belief, that at all times herein mentioned, defendant, ST. ALBERT'S PRIORY, did the hiring and staffing at St. Albert's Junior Seminary School located

at 1 Carmelite Drive, Middletown, New York 10940.

51. Upon information and belief, that at all times herein mentioned, David Connell had complaints of sexual abuse made against him.

52. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees knew or should have known of the aforesaid complaints of sexual abuse against David Connell.

53. Upon information and belief, that at all times herein mentioned, David Connell was a known sexual abuser of children.

54. Upon information and belief, that at all times herein mentioned, defendant, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, received complaints that David Connell had been a sexual abuser of children.

55. Upon information and belief, that at all times herein mentioned, defendant, THE CARMELITE ORDER, NORTH AMERICAN PROVINCE OF ST. ELIAS, received complaints that David Connell had been a sexual abuser of children.

56. Upon information and belief, that at all times herein mentioned, defendant, ST. ALBERT'S PRIORY, received complaints that David Connell had been a sexual abuser of children.

57. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees, knew or should have known that David Connell had been the subject of complaints of sexual abuse.

58. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees, knew or should have known that David Connell was a known sexual abuser of children.

59. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees, could reasonably have anticipated that David Connell's sexual abuse complaints and sexual abuse of children would be likely to result in injury to others.

60. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees failed to investigate the aforesaid complaints against David Connell.

61. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees failed to properly, adequately and thoroughly investigate the aforesaid complaints against David Connell.

62. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees failed to report or refer the aforesaid complaints made against David Connell to the police or any other agency to be investigated.

63. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees carelessly, negligently and recklessly ignored and dismissed the aforesaid complaints against David Connell.

64. Upon information and belief, that at all times herein mentioned, the aforesaid complaints against David Connell had merit.

65. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees, knew or should have known that the aforesaid complaints against David Connell had merit.

66. That at all times herein mentioned, defendants, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, THE CARMELITE ORDER, NORTH AMERICAN PROVINCE OF ST. ELIAS, and, ST. ALBERT'S PRIORY, failed to establish policies and

procedures directed towards protecting minors from sexual abuse.

67. That at all times herein mentioned, plaintiff, ROBERT GORDON, was enrolled as a student at St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

68. From approximately 1970 to 1971, David Connell sexually abused plaintiff, ROBERT GORDON, while plaintiff was still an infant, on school property at St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940.

69. The aforesaid abuse constituted a sexual offense as defined in article one hundred thirty of the penal law committed against a child less than eighteen years of age, or the use of a child in a sexual performance as defined in section 263.05 of the penal law, or a predecessor statute that prohibited such conduct at the time of the act, which conduct was committed against a child less than eighteen years of age.

70. From approximately 1970 to 1971, defendants, their agents, servants and employees knew or should have known that David Connell was sexually abusing plaintiff, ROBERT GORDON, while plaintiff was still an infant.

71. From approximately 1970 to 1971, defendants, their agents, servants and employees knew or should have known that David Connell was sexually abusing plaintiff, ROBERT GORDON, while plaintiff was still an infant, on school property at St. Albert's Junior Seminary School located at 1 Carmelite Drive, Middletown, New York 10940, and other locations.

72. Upon information and belief, that at all times herein mentioned, defendants, their agents, servants and employees knew or should have known that the sexual abuse by David Connell of plaintiff, ROBERT GORDON, while plaintiff was still an infant, was ongoing.

73. Defendants, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, THE CARMELITE ORDER, NORTH AMERICAN PROVINCE OF ST. ELIAS, and, ST. ALBERT'S PRIORY, trained and instructed David Connell for his employment at St. Albert's Junior Seminary School.

74. Upon information and belief, that at all times herein mentioned David Connell was under the direct supervision and control of defendants, THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK, THE CARMELITE ORDER, NORTH AMERICAN PROVINCE OF ST. ELIAS, and, ST. ALBERT'S PRIORY, when he performed the wrongful acts described herein.

75. That the aforesaid occurrences were caused or contributed to by the negligence, carelessness and recklessness and the willful, wanton, and grossly negligent conduct of the defendants, their agents, servants and/or employees, in: selecting, hiring, contracting and retaining David Connell to work with the plaintiff while plaintiff was still an infant and other children when it was known or should have been known to the defendants herein that David Connell had a history of complaints made against him and a propensity to sexually abuse children and in fact had sexually abused children; selecting, hiring, contracting and retaining David Connell when it was known or should have been known to the defendants herein that he did not possess the requisite skills or qualifications to work with children; failing to properly and adequately supervise the conduct of David Connell, as it related to the plaintiff while plaintiff was still an infant and other children when it was known or should have been known to the defendants herein that David Connell had a history of complaints made against him and a propensity to sexually abuse children and in fact had sexually abused children; failing to warn or advise the plaintiff, who was still an infant, his parents and others of David Connell's propensity

to sexually abuse children and of the fact that he had sexually abused children whom he came in contact with by and through his roles at St. Albert's Junior Seminary School; causing, permitting and allowing the sexual abuse to continue; failing to take any measures to stop the sexual abuse when it was known or should have been known to the defendants herein that the sexual abuse was continuing and ongoing; failing to establish adequate and effective professional training and educational programs and procedures for their employees calculated to prevent the sexual abuse of children; failing to implement any measures or take any steps to prevent David Connell from sexually abusing the plaintiff while the plaintiff was still an infant when it was known or should have been known to the defendants herein that David Connell had a history of complaints of sexual abuse made against him and a propensity to sexually abuse children and in fact had sexually abused children; failing to make any inquiry into the background of David Connell before selecting, hiring, contracting and retaining him; failing to make any inquiry into the background of David Connell before selecting, hiring, contracting and retaining him when it was known or should have been known before he was hired that David Connell had a propensity to sexually abuse children and had a history of complaints made against him; failing to use reasonable care to correct and remove David Connell and continuing to retain him when it was known or should have been known to the defendants herein that David Connell, had a history of complaints made against him and a propensity to sexually abuse children and in fact had sexually abused children and was sexually abusing children and that continuing to retain him would be likely to result in injury to others, including the plaintiff while plaintiff was still an infant; causing, permitting and allowing the plaintiff to be sexually abused while plaintiff was still an infant; and in otherwise being careless, negligent and reckless.

76. By reason of the forgoing, plaintiff, ROBERT GORDON, sustained physical and

psychological injuries, including but not limited to, severe emotional distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil, and loss of faith, a severe shock to his nervous system, certain internal injuries and has been caused to suffer physical pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and plaintiff, ROBERT GORDON, has been forced to abstain from the duties at his vocation, and has and/or will become obligated to expend sums of money for medical expenses.

77. That by reason of the foregoing, defendants are liable to plaintiff for punitive and exemplary damages.

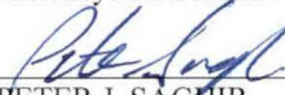
78. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

79. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(5), 1602(7) and 1602(11).

WHEREFORE, the plaintiff demands judgment against the defendants, together with compensatory and punitive damages, together with the interest, cost, and disbursements pursuant to the causes of action herein.

Dated: New York, New York
November 19, 2019

Yours etc.,
GAIR, GAIR, CONASON, RUBINOWITZ, BLOOM,
HERSHENHORN, STEIGMAN & MACKAUF
Attorneys for Plaintiff


PETER J. SACHIR
80 Pine Street, 34th Floor
New York, New York 10005
(212) 943-1090

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

PETER J. SAGHIR, an attorney at law licensed to practice in the courts of the State of New York, states that affirmant is a partner with the firm of Gair, Gair, Conason, Rubinowitz, Hershenhorn, Bloom, Steigman & Mackauf, attorneys for the plaintiff in the within action; that affirmant has read the foregoing

VERIFIED COMPLAINT

and knows the contents thereof; and that the same is true to affirmant's own knowledge except as to those matters therein stated to be alleged on information and belief and that as to those matters, affirmant believes them to be true.

Affirmant further states that the reason this verification is made by affirmant and not by the plaintiff is that the plaintiff is not within the County wherein affirmant maintains his office.

The grounds of affirmant's belief are investigation and data in affirmant's possession and consultations had with the plaintiff.

The undersigned affirms that the foregoing statements are true under penalty of perjury.

Dated: New York, New York
November 19, 2019


PETER J. SAGHIR